

AMENDED IN SENATE JUNE 19, 2003
AMENDED IN ASSEMBLY MAY 23, 2003
AMENDED IN ASSEMBLY MAY 13, 2003
AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 170

Introduced by Assembly Member Reyes

January 23, 2003

An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as amended, Reyes. Air quality element: San Joaquin Valley.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would require a planning agency to amend the appropriate elements of its general plan to include comprehensive goals, policies, and implementation strategies to improve air quality during the next major update to the general plan or within 5 years, whichever is sooner,

as specified, if the city or county is within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The bill would require cities and counties that have addressed air quality in their general plans or its equivalent in other plan elements in excess of 5 years from the effective date of this bill to update the air quality element, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302.1 is added to the Government
2 Code, to read:

3 65302.1. The Legislature finds and declares all of the
4 following:

5 (a) The San Joaquin Valley has a serious air pollution problem
6 that will take the cooperation of land use and transportation
7 planning agencies, transit operators, the development community,
8 the San Joaquin Valley Air Pollution Control District (SJVAPCD)
9 and the public to solve. The solution to the problem requires
10 changes in the way we have traditionally built our communities
11 and constructed the transportation systems. It involves a
12 fundamental shift in priorities from emphasis on mobility for the
13 occupants of private automobiles to a multimodal system that
14 more efficiently uses scarce resources. It requires a change in
15 attitude from the public to support development patterns and
16 transportation systems different from the status quo.

17 (b) The SJVAPCD has prepared and distributed a document
18 entitled, Air Quality Guidelines for General Plans. This is a
19 comprehensive guidance document and resource for cities and
20 counties to use to address air quality in their general plans. It
21 includes goals, policies, and programs that when adopted in a



1 general plan will reduce vehicle trips and miles traveled and
2 improve air quality.

3 (c) Air quality guideline strategies are a commitment to do all
4 of the following:

5 (1) Determine and mitigate project level and cumulative air
6 quality impacts under the California Environmental Quality Act
7 (CEQA).

8 (2) Integrate land use plans, transportation plans, and air
9 quality plans.

10 (3) Plan land uses in ways that support a multimodal
11 transportation system.

12 (4) Local action to support programs that reduce congestion
13 and vehicle trips.

14 (5) Plan land uses to minimize exposure to toxic air pollutant
15 emissions from industrial and other sources.

16 (6) Reduce particulate matter emissions from sources under
17 local jurisdiction.

18 (7) Support SJVAPCD and public utility programs to reduce
19 emissions from energy consumption and area sources.

20 (d) Benefits from implementing an air quality element include,
21 but are not limited to, all of the following:

22 (1) Lower infrastructure costs.

23 (2) Lower public service costs.

24 (3) More efficient transit service.

25 (4) Lower costs for comprehensive planning.

26 (5) Streamlining of the permit process.

27 (6) Improved mobility for the elderly and children.

28 SEC. 2. Section 65302.4 is added to the Government Code, to
29 read:

30 65302.4. (a) A planning agency within the jurisdictional
31 boundaries of the San Joaquin Valley Air Pollution Control
32 District (SJVAPCD) shall amend the appropriate elements of its
33 general plan, which may include, but are not limited to, the
34 required elements dealing with land use, circulation, housing,
35 conservation, and open space, to include comprehensive goals,
36 policies, and implementation strategies to improve air quality
37 during the next major update to the general plan or within five
38 years, whichever is sooner.

39 (b) Those cities and counties that have addressed air quality in
40 their general plans equivalent in other plan elements in excess of

1 five years from the effective date of this section shall update the
2 element or equivalent during the next major general plan update
3 or within five years, whichever is sooner.

4 (c) The appropriate elements of a city or county's general plan
5 shall be amended to include, but not be limited to, all of the
6 following:

7 (1) A comprehensive set of goals, policies, and implementation
8 strategies that *may* improve air quality by all of the actions listed
9 in subdivision (c) of Section 65302.1.

10 (2) A report describing local air quality conditions including
11 air quality monitoring data, emission inventories, lists of
12 significant source categories, attainment status and designations,
13 and applicable state and federal air quality plans and transportation
14 plans.

15 (3) A summary of local, SJVAPCD, state, and federal policies,
16 programs, and regulations that ~~will~~ *may* improve air quality in the
17 city or county.

18 (d) Prior to action by the legislative body to adopt the air
19 quality element, the planning agency shall submit the proposed
20 draft of the element to the SJVAPCD, and the district shall have at
21 least 45 days after receipt of the draft to comment unless a longer
22 period is deemed necessary by the planning agency.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of
28 Section 17556 of the Government Code.

